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Roger John Gillespie

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EXAMINER

STONE, CHRISTOPHER R

ART UNIT

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1614

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

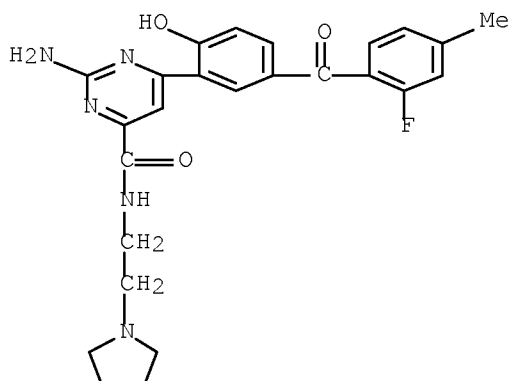


### DETAILED ACTION

Applicants' arguments, filed November 17, 2008, have been fully considered. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

### *Status of Claims*

Claims 19, 20, 23 and 42 are currently pending. Claim 20 is withdrawn from consideration as being drawn to a nonelected species. Claims 19, 23 and 42 are currently under examination. In view of the amendment to claim 19, the elected species is now allowable. As such, the examination has been extended to include the compound specie, 2-amino-6-[5-(2-fluoro-4-methylbenzoyl)-2-hydroxyphenyl]-N-[2-(1-pyrrolidiny)ethyl]-4-pyrimidinecarboxamide (structure below).



***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (WO 2004/080979 A1, listed on IDS filed August 8, 2006).

Lee et al teaches the compound 2-amino-6-[5-(2-fluoro-4-methylbenzoyl)-2-hydroxyphenyl]-N-[2-(1-pyrrolidinyl)ethyl]-4-pyrimidinecarboxamide and pharmaceutical compositions comprising said compound and a pharmaceutically acceptable carrier or excipient (p. 15, compound 6 and p. 26, lines 16-18). It is noted that the negative limitation (c) in the last 3 lines of claim 19 specifies that R<sub>2</sub> is not a phenyl substituted by one or more of the substituents listed in the alternative. The R<sub>2</sub> group of 2-amino-6-[5-(2-fluoro-4-methylbenzoyl)-2-hydroxyphenyl]-N-[2-(1-pyrrolidinyl)ethyl]-4-pyrimidinecarboxamide is not a phenyl substituted by nitro, NH<sub>2</sub>, etc.

***Claim Objections***

Claim 42 is objected to as being dependent upon a rejected base claim, but may be allowable, based on the current search of two species, if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. STONE whose telephone number is (571)270-3494. The examiner can normally be reached on Monday-Thursday, 7:30am-4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10March2009

CRS

/Patricia A. Duffy/  
Primary Examiner, Art Unit 1645